

Rec'd PCT/PTO 21 FEB 2006

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Attorney's Docket No. FBRI51.001APC

Application No.: 10/535,726
 Filing Date: May 19, 2005

DECLARATION - USA PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled A CORNEAL TOPOGRAPHER, the specification of which:

- (a) ☐ is attached hereto; or
- (b) ☐ was filed on _____ as Application No. _____ or Express Mail No., as Application No. not yet known _____ and was amended on May 19, 2005 (if applicable); or
- (c) ☒ was described and claimed in PCT International Application No. PCT/AU03/01547 filed on November 20, 2003 and as amended under PCT Article 19 on _____ (if any) and/or under PCT Article 34 on _____ (if any).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56;

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent, design or inventor's certificate or any PCT international application(s) listed below and have also identified below any foreign application(s) for patent, design or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed for the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN APPLICATION

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING	PRIORITY CLAIMED UNDER 37 U.S.C. § 119
✓ Australia	2002952772	November 20, 2002	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S.A. Application(s)

Application No.: _____ Filing Date: _____ Status: _____

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Application No.: 10/535,726

Filing Date: May 19, 2005

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

1-00 Full name of sole or first inventor: Paul van SaarloosInventor's signature: [Signature] Day 1 Month Feb Year 2006Residence (city and country): Perth, Australia AUKCitizenship: New ZealandPost Office Address: Ground Floor, E Block, Sir Charles Gardiner Hospital, Hospital Avenue, Nedlands, Western Australia, 6009 Australia2-00 Full name of second inventor: Mark GattenInventor's signature: [Signature] Day 2 Month Feb Year 2006Residence (city and country): Perth, Australia AUKCitizenship: AustralianPost Office Address: Ground Floor, E Block, Sir Charles Gardiner Hospital, Hospital Avenue, Nedlands, Western Australia, 6009 Australia3-00 Full name of third inventor: Robert H. EllelboomInventor's signature: [Signature] Day 2 Month FEB Year 2006Residence (city and country): BALDIVIS, AUSTRALIA AUKCitizenship: AUSTRALIANPost Office Address: Ground Floor, E Block, Sir Charles Gardiner Hospital, Hospital Avenue, Nedlands, Western Australia, 6009 Australia

Send Correspondence To:
KNOBBE, MARTENS, OLSON & BEAR, LLP
Customer No. 20,995

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FBRIC51.001APC

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Saarloos et al.
App. No. : 10/535,726
Filed : May 19, 2005
For : A CORNEAL TOPOGRAPHER
Examiner : Unknown

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION
AND
REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, Customer No. 20,995, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected

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herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use Customer No. 20,995 for all communications.

Clearmark Technologies Pty Ltd.

Dated: 8th February 2006 By: [Signature]

Title: DIRECTOR

Address: Ground Floor, B Block
Sir Charles Gardiner Hospital
Hospital Avenue,
Nedlands, Western Australia, 6009
Australia

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OR SPS

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Filing Date: May 19, 2005

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Client Code: FBRIC51.001APC
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ASSIGNMENT

WHEREAS, We, the undersigned, have invented certain new and useful improvements in A CORNEAL TOPOGRAPHER for which we have filed an application for Letters Patent in the United States, Application No. 10/535,726, Filed on May 19, 2005;

AND WHEREAS, Clearmark Technologies Pty. Ltd. (hereinafter "ASSIGNEE"), an Australian Corporation, with its principal place of business at Ground Floor, E Block, Sir Charles Gardiner Hospital, Hospital Avenue, Nedlands, Western Australia, 6009 Australia, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in light of good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE DO HEREBY sell, assign, transfer, and convey to ASSIGNEE, his successors, legal representatives, and assigns all claims for damages and all remedies arising out of any violation of the rights assigned hereby that may have accrued prior to the date of assignment to ASSIGNEE, or may accrue hereafter, including, but not limited to, the right to sue for, collect, and retain damages for past infringements of the said Letters Patent before or after issuance.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements; and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

Date: 1 Feb 2006

Signature: 

Name: Paul van Saarloos

Address: Ground Floor, E Block
Sir Charles Gardiner Hospital
Hospital Avenue,
Nedlands, Western Australia, 6009
Australia

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Date:

2/2/2006

Signature:

Name: Mark Gallop

Address: Ground Floor, E Block
Sir Charles Gardiner Hospital
Hospital Avenue,
Nedlands, Western Australia, 6009
Australia

Date:

2.2.2006

Signature:

Name: Robert H. Bikelboom

Address: Ground Floor, E Block
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